

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/715,093 Confirmation No.: 3262
Applicant(s): Metsatahti et al.
Filed: November 17, 2003
Art Unit: 2166
Examiner: Joon H. Hwang
Title: BOOKMARKING AND INNOTATING IN A MEDIA DIARY
APPLICATION

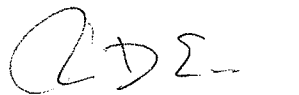
Docket No.: 042933/269516
Customer No.: 00826

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPEAL BRIEF TRANSMITTAL
(PATENT APPLICATION – 37 C.F.R. § 41.37)**

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on July 3, 2008.
2. ☐ Applicant claims small entity status.
3. Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:
☐ small entity \$255.00
☒ other than small entity \$510.00
Appeal Brief fee due \$510.00
☐ Fee is Enclosed
☒ Please charge the fee to Deposit Account 16-0605.
☒ Any additional fee or refund may be charged to Deposit Account 16-0605.

Respectfully submitted,



Richard D. Emery
Registration No. 58,894

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|---------------|---|-------------------|---------------|
| Appl. No.: | 10/715,093 | Confirmation No.: | 3262 |
| Applicant(s): | Vesa Metsatahti et al. | Art Unit: | 2166 |
| Filed: | November 17, 2003 | Examiner: | Joon H. Hwang |
| Title: | BOOKMARKING AND ANNOTATING IN A MEDIA DIARY APPLICATION | | |

Docket No.: 042933/269516
Customer No.: 00826

Filed Electronically

August 27, 2008

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed July 3, 2008 and in response to the final Official Action mailed March 20, 2008.

1. ***Real Party in Interest.***

The real party in interest in this appeal is Nokia Corporation, the assignee of the above-referenced patent application.

2. ***Related Appeals and Interferences.***

The following applications are currently subject to appeals and may have some relationship to the present application:

- U.S. Patent Application No. 10/715,162;
- U.S. Patent Application No. 10/792,175; and

- U.S. Patent Application No. 10/774,670.

In none of the above listed cases has a decision been rendered.

3. ***Status of Claims.***

The present appeal involves Claims 1, 2, 6-12, 16-23, 26-41, 43-50, 52-59, and 61, which are presently under a final rejection as set forth by the final Official Action mailed on March 20, 2008 ("the Official Action"). Claims 3-5, 13-15, 24, 25, 42, 51, and 60 have been previously canceled. The claims at issue are set forth in the attached Claims Appendix.

4. ***Status of Amendments.***

No amendments have been submitted subsequent to the Official Action.

5. ***Summary of Claimed Subject Matter.***

The claimed invention will now be summarized with references to the specification. It should be understood, however, that the references are provided solely for explanatory purposes, and should not otherwise in and of themselves be taken to limit the scope of the claimed invention.

Embodiments of the present invention are directed to a media diary or media management application implemented in a digital device. *See* Abstract. The application may incorporate a bookmarking and/or annotating mechanism for providing graphical enhancement to media files, calendar events, and time periods displayed in the media management application. *Id.* In addition, the bookmarking and annotation mechanism may provide for text notes to be associated with the media files, calendar event, or time period, and for the text note to be accessible through the bookmark or annotation. *Id.* The bookmark and annotation functions may assist in the process of efficiently locating items of information within the application. *See*

¶ [0024] of the publication. Collectively the bookmark and annotation functions serve as information identifiers that are associated with items of information and serve to enhance identification of the items of information. *Id.*

Independent Claim 1 is directed to an application for accessing media files on a digital device, such as, for example, a cellular telephone, a portable computer, or a personal data assistant. *See* ¶ [0002] of U.S. Patent Application Publication No. 2005/0108233 (“the publication”). The application includes a computer readable storage medium, which may be a memory device, such as, for example, a flash read-only memory, a high-density disk, or the like. *See* ¶ [0032] of the publication. Computer-readable program instructions, for example, written in a standard computer programming language, such as C++, Java or the like, may be embodied in the medium. *See Id.*

The computer-readable program instructions can include first instructions for generating a media view. *See* ¶ [0013] of the publication. An example of a media view is the media view **200** of Fig. 1. *See* ¶ [0033] of the publication. The media view **200** may provide access to digital media files and associates digital media files, such as digital images, digital video, digital audio, etc., with a period of time. *See* ¶¶ [0013] and [0039] of the publication. The computer-readable program instructions can also include second instructions for generating an information identifier that is associated with items of information including at least one of a digital media file, a calendared event and a period of time. *See* ¶ [0013] of the publication. The information identifier may enhance identification of items of information. *See* ¶ [0024] of the publication. For example, a frame may be displayed around the at least one item of information based on metadata associated with the item of information. *See* ¶ [0026] of the publication.

In some embodiments, the computer-readable program instructions may include third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time. *See* Claims 8 and 18 and ¶ [0014] of the publication. The information identifier may then be associated with a period of time that is displayed in the time bar. *See* Claims 9 and 19 and ¶ [0014] of the publication.

Independent Claim 11 is directed to an apparatus that includes a processing unit, such as, for example, a processor, an application specific integrated circuit, analog and/or digital circuitry. *See* ¶ [0063] of the publication. The processing unit may execute computer-readable program instructions for accessing media files. *See* ¶ [0016] of the publication. The computer-readable program instructions may include first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time. *See* ¶ [0013] of the publication. The computer-readable program instructions may also include second instructions for generating an information identifier that is associated with at least one item of information. *See* ¶ [0013] of the publication. The second instructions may include instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information, and instructions for visually annotating items of information by adding frames around a representation of the item of information based on metadata associated with the item of information. *See* ¶¶ [0013] and [0016] of the publication.

Independent Claim 21 is directed to a method for classifying media files in a media diary application. *See* ¶ [0015] of the publication. The method may include selecting an information identifier option. *Id.* An item of information, including at least one of a media file, calendared event, or time period, may be selected to be associated with the selected information identifier option. *Id.* Information identifier data for the selected item of information can then be created and stored with item of information metadata. *Id.* Information identifier data for the selected item of information may include a text message for the selected item of information and/or a graphical alteration of a representation of the selected item of information in a manner visually distinct from the text message, such as by visually annotating items of information by adding frames around a representation of the item of information based on metadata associated with the item of information. *See* ¶¶ [0013] and [0016] of the publication.

6. ***Grounds of Rejection to be Reviewed on Appeal.***

Claims 1, 2, and 6-10 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2003/0033296 to Rothmuller *et al.* (“*Rothmuller*”) in view of

U.S. Patent Application Publication No. 2003/0095143 to Lauris ("*Lauris*"). Claims 11, 12, 16-23, 26-38, 41, 43-47, 50, 52-56, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Rothmuller* in view of *Lauris* and U.S. Patent Application Publication No. 2002/0113803 to Samra *et al.* ("*Samra*"). Claims 39, 40, 48, 49, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Rothmuller* in view of *Lauris*, *Samra*, and U.S. Patent Application Publication No. 2002/0147744 to Smith *et al.* ("*Smith*"). Applicants appeal the rejections of Claims 1, 2, 6-12, 16-23, 26-41, 43-50, 52-59, and 61.

7. ***Argument.***

As explained below, Applicants respectfully submit that all of the claims pending in the present application are patentable over the cited references. In view of the remarks presented herein, Applicants respectfully request reversal of the rejections of the pending claims.

A. ***Claims 1, 2, and 6-10, are patentably distinct from Rothmuller and Lauris, taken alone or in combination.***

Independent Claim 1 was rejected as being obvious over *Rothmuller* in view of *Lauris*. This claim reads, in pertinent part, "instructions for generating an information identifier that is associated with at least one item of information . . . wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information." "Metadata" is commonly described as follows: "[a]ny item of data is a description of something. Metadata is a type of data where the something being described is data. Or, as it is often put, metadata is data about data." *See, e.g.,* www.wikipedia.org.

Rothmuller is directed to a method and computer program product for "storing, cataloguing, managing, organizing, finding, and displaying objects such as digital images." "The invention includes methods for associating ("tagging") fields of text and numeric data ("metadata") with individual objects such as images or photos," and organizing the objects based on their tags. *See* ¶ [0004]-[0007]. In some embodiments, the distribution of the objects stored in a database can be displayed as a histogram along a timeline. *See* ¶ [0008].

The Official Action admits that *Rothmuller* does not disclose “displaying a frame around the at least one item of information,” but continues by stating that

Lauris teaches displaying a frame around the at least one item of information based on metadata associated with the item of information (i.e., a colored border around an object for a visual indicator, sections 8, 12, and 23) in order to provide a look and feel of a graphical status display (sections 8 and 12).

See p. 4. The above passage does not indicate what specific elements disclosed by *Lauris* would anticipate or act as the “items of information” recited in Claim 1 as being associated with information identifiers. The Official Action clarifies, however, saying

According to the wikipedia.org web site, which the web site the applicants provided for the basis of the argument, “In the context of an information system, where the data is the content of the computer files, metadata about an individual data item would typically include the name of the field and its length. Metadata about a collection of data items, a computer file, might typically include the name of the file, the type of file and the name of the data administrator”.

The nodes/clusters in Lauris correspond to the file in the wikipedia web site. The operational status in Lauris corresponds to the name of the file or the type of the file in the wikipedia web site. Thus, the data regarding operational status of the nodes/clusters discussed in Lauris are metadata.

Therefore, *Lauris* teaches displaying a frame around the at least one item of information based on metadata associated with the item of information (i.e., a colored border around an object for a visual indicator, sections 8, 12, and 23).

See pp. 2-3.

Lauris is directed to a system that isolates in one file all of the information that determines the look and feel of displays of a graphical user interface (GUI). See Abstract and ¶ 0021. As such, the single file can be quickly edited to change the appearance of the GUI. See Abstract and ¶ 0012. In one embodiment, the *Lauris* system is integrated with a “clustering solution product” that uses a GUI including a map of the clusters, nodes, and “packages” of a monitored computer network. See ¶ [0021]. Each physical cluster/node/package may be associated with an icon in the GUI that has a border, the color of which serving to indicate, for example, whether or not the associated item is fully, partially, or non-functional. See ¶¶ [0021]-[0023].

Contrary to the assertions in the Official Action, Applicants respectfully submit that the data regarding operational statuses of the nodes/clusters discussed in *Lauris* are not metadata. Given that “metadata” is understood to be data regarding data, in order for the “operational status of the nodes/clusters/” to qualify as metadata, at least one of the “nodes” or “clusters” would have to qualify as “data.” However, the “nodes” and “clusters” are tangible components of a computing system (see ¶¶ [0021]-[0023]), commonly understood to be computers and associated electronics hardware. A tangible object itself cannot be data (although a tangible object can embody data, such as the case where a book includes data within its written pages). As such, data regarding the operational status of a node/cluster are not metadata, but are instead original data regarding a physical component or system.

Applicants note that the nodes and clusters discussed in *Lauris* are represented by respective icons within a GUI (see Fig. 2), and that such icons are typically associated with some underlying data that are used to generate the icons. However, even assuming the references to “nodes” and “clusters” in the Official Action are meant to refer to the node/cluster icons,

Applicants respectfully submit that *Lauris* fails to teach an information identifier that “enhances identification of an item of information by displaying a frame around the . . . item of information based on metadata associated with the item of information,” as recited in Claim 1. Specifically, *Lauris* states that the borders surrounding the node/cluster icons will indicate, for example, whether or not the associated item is fully, partially, or non-functional. See ¶¶ [0021]-[0023]. However, it seems somewhat nonsensical to talk of the functionality of an icon, and it appears that the discussion in *Lauris* of the functionality of a node/cluster refers to the functionality of the physical components represented by the node/cluster icons. As such, the borders of *Lauris* relay information about the physical nodes and clusters represented by the node/cluster icons, and are not indicative of data about data (*i.e.*, metadata) and, as a result, do not teach or suggest frames based upon metadata associated with the item of information as set forth by independent Claim 1.

Applicants also respectfully submit that the data regarding operational statuses of the “packages” discussed in *Lauris* are not metadata. Assuming *arguendo* that the “packages” discussed in *Lauris* are software (as asserted by the Examiner in an interview conducted on May 9, 2008), and further assuming *arguendo* that software can accurately be characterized as “data,” the operational status of the software being executed on one or more machines does not appear to qualify as metadata with respect to the software. The “operational status” of a packaged software application is unrelated to the software itself (*i.e.*, the software per se), and in no way provides information about the software (as software-specific metadata must). Metadata related to the software could be, for example, an indication of the purpose of the software, an indication of the language in which the software is written, etc. On the contrary, operational status of the software being executed on a machine is simply data regarding a specific process that involves the underlying software being executed on a physical device.

Overall, *Lauris* fails to teach or suggest “instructions for generating an information identifier that is associated with at least one item of information . . . wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information.” Further, Applicants note that the deficiency in *Lauris* is not cured by *Rothmuller*,

as *Rothmuller* fails to disclose or suggest “instructions for generating an information identifier that is associated with at least one item of information . . . wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information.” Indeed, *Rothmuller* is not cited in the Official Action for this proposition.

Because neither *Rothmuller* nor *Lauris* discloses “instructions for generating an information identifier that is associated with at least one item of information . . . wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information,” the combination of these references also fails to disclose this aspect. For at least this reason, Applicants respectfully submit that *Rothmuller* and *Lauris*, taken in any combination, do not teach or suggest each and every respective limitation of independent Claim 1, and that the rejection of this claim, as well as those of Claims 2 and 6-10 depending therefrom, have herein been traversed and should be reversed.

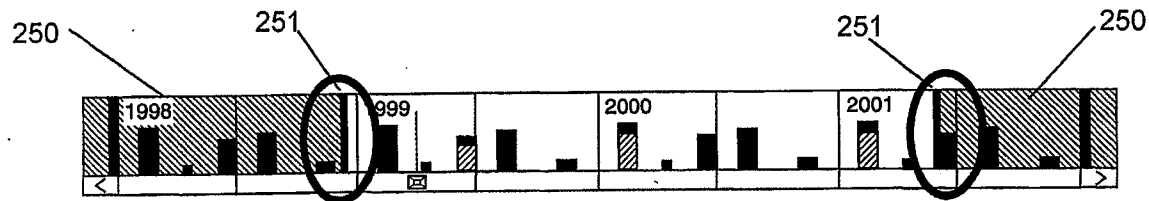
In addition, regarding Claim 8, this claim reads, in pertinent part, “generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time.” The Official Action rejects this claim, stating

With respect to claim 8, Rothmuller teaches third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time (i.e., a timeline divided time into segments having a bar graph size that is based on a total number of digital media files, section 31 and fig. 3).

See p. 4. However, Applicants respectfully submit that *Rothmuller* does not teach “generating a time bar that divides time into segments having a size that depends upon the digital media files in

the media view associated with a respective segment of time” as recited in Claim 8 of the present application.

Fig. 3 from *Rothmuller*, which is discussed in the above cited passage from the Official Action, is reproduced below.



Rothmuller describes Fig. 3 as follows:

... when photos are imported into a database, the temporal metadata associated with the photos can be used to present a histogram of photos in the form of a timeline 250 ... The timeline 250 can show the number of photos taken as a function of time over some period of time that can range from the time the first photo in the database was taken to the present ...

Applicants note that the timeline 250 of *Rothmuller* appears to divide time into uniformly-sized increments; that is, in Fig. 3 above, the timeline appears to be divided into increments of six-month duration, with all increments having the same length along the timeline, regardless of the number of media files that may be respectively associated with any individual increment. Alternatively, the timeline is associated with a series of bar graphs sized according to the number of media files associated with the respectively indicated times. However, the bars of the bar graph do not “divide time” within the timeline. As such, *Rothmuller* does not disclose the “[division of] time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time,” as recited by Claim 8. This deficiency in *Rothmuller* is not cured by *Lauris*; indeed, *Lauris* is not cited for such proposition. Therefore, aside from any previous arguments for patentability, for at least this reason, Claim 8 should be patentable over *Rothmuller* and *Lauris*, taken alone or in combination.

Regarding Claim 9, this claim reads, in pertinent part, “generating an information identifier that is ... associated with a period of time that is displayed in the time bar.” The Official Action states that

With respect to claim 9, Rothmuller teaches an information identifier associated with a period of time that is displayed in the time bar (sections 8, 27, and 31, and fig. 3).

See p. 5. However, Applicants respectfully submit that each of the cited portions of *Rothmuller*, and indeed all of *Rothmuller*, is silent regarding the display of an information identifier in a time bar. Further, reviewing Fig. 3 from *Rothmuller* (reproduced above), there is no visual indication of an information identifier in the disclosed timeline of *Rothmuller*. This deficiency in *Rothmuller* is not cured by *Lauris*; indeed, *Lauris* is not cited for such proposition. Therefore, aside from any previous arguments for patentability, for at least this reason, Claim 9 should be patentable over *Rothmuller* and *Lauris*, taken alone or in combination.

B. *Claims 11, 12, 16-23, 26-38, 41, 43-47, 50, 52-56, 59, and 61 are patentably distinct from Rothmuller, Lauris, and Samra, taken alone or in combination.*

Independent Claims 11 and 21 were rejected as being obvious over *Rothmuller* in view of *Lauris* and *Samra*. Claim 11 recites, in pertinent part, an apparatus that includes “a processing unit that executes . . . instructions for graphically altering a representation of [an] item of information . . . by adding frames around a representation of the item of information based on metadata associated with the item of information.” Claim 21 includes the related recitation “graphically altering a representation of the selected item of information . . . by adding frames around a representation of the item of information based on metadata associated with the item of information.” Both of these recitations are similar to the recitation in Claim 1 of “instructions for generating an information identifier that is associated with at least one item of information . . . wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information.”

As discussed above with respect to Claim 1, neither *Rothmuller* nor *Lauris* discloses “adding frames around a representation of [an] item of information based on metadata associated with the item of information” as recited, in one form or another, by each of Claims 11 and 21.

Samra does not cure this deficiency in *Rothmuller* and *Lauris*. *Samra* is directed to a system providing a user interface to annotate different items in a media production system. *See* Abstract. The annotations are related to production processes, and can include, for example, the instruction associated with clip A that reads “make clip B look more like this”. *See* ¶ [0027]. Parts of the production (*e.g.*, clips, frames and layers) that have an associated annotation are provided with a visual annotation marker. *See* Abstract. Annotations can be compiled into records, searched and transferred. *Id.*

The Official Action says of *Samra*

Samra also further teaches instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information (i.e., a dialogue box is appeared to allow the user to type a text message to be associated with a selected object, sections 40 and 13-14);

See p. 6. However, *Samra* is silent regarding the possible inclusion of annotations in the metadata of a media production. In fact, the term “metadata” does not appear in *Samra*. Further, it is noted that the annotations themselves discussed in *Samra* are not related to any metadata associated with the media production, but instead are entered by a user without regard for the metadata associated with a media production. *See* ¶ [0040]. Overall, *Samra* does not appear to teach or suggest graphically altering a representation of an item of information based on metadata associated with the item of information, much less “graphically altering a representation of [an] item of information . . . by adding frames around a representation of the item of information based on metadata associated with the item of information” as recited, in one form or another, in each of Claims 11 and 21.

Because none of *Rothmuller*, *Lauris*, and *Samra* discloses “instructions for graphically altering a representation of [an] item of information . . . by adding frames around a representation of the item of information based on metadata associated with the item of

information,” the combination of these references also fails to disclose this aspect. For at least this reason, Applicants respectfully submit that *Rothmuller*, *Lauris*, and *Samra*, taken in any combination, do not teach or suggest each and every respective limitation of independent Claims 11 and 21, and that the rejections of these claims, as well as those of Claims 12, 16-20, 22, 23, 26-38, 41, 43-47, 50, 52-56, 59, and 61 depending therefrom, have herein been traversed and should be reversed.

Aside from the above, regarding Claim 18, this claim reads, in pertinent part, “generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time.” This recitation is similar to the recitation of Claim 8. The Official Action rejects Claim 18, stating

With respect to claim 18, Rothmuller teaches third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with the respective segment of time (i.e., a timeline divided time into segments having a bar graph size that is based on a total number of digital media files, section 31 and fig. 3).

However, as discussed above in conjunction with Claim 8, *Rothmuller* fails to disclose “generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time.” This deficiency in *Rothmuller* is not cured by either *Lauris* or *Samra*; indeed, neither *Lauris* nor *Samra* are cited for such proposition. Therefore, aside from any previous arguments for patentability, for at least this reason, Claim 18 should be patentable over *Rothmuller*, *Lauris*, and *Samra*, taken alone or in combination.

Regarding Claim 19, this claim reads, in pertinent part, “generating an information identifier that is . . . associated with a period of time that is displayed in the time bar.” This recitation is similar to the recitation of Claim 9. The Official Action rejects Claim 19, stating

With respect to claim 19, Rothmuller teaches an information identifier associated with a period of time that is displayed in the time bar (sections 8, 27, and 31, and fig. 3).

However, as discussed above in conjunction with Claim 9, *Rothmuller* fails to disclose “generating an information identifier that is . . . associated with a period of time that is displayed in the time bar.” This deficiency in *Rothmuller* is not cured by either *Lauris* or *Samra*; indeed, neither *Lauris* nor *Samra* are cited for such proposition. Therefore, aside from any previous arguments for patentability, for at least this reason, Claim 19 should be patentable over *Rothmuller*, *Lauris*, and *Samra*, taken alone or in combination.

C. *Claims 39, 40, 48, 49, 57, and 58 are patentably distinct from Rothmuller, Lauris, Samra, and Smith, taken alone or in combination.*

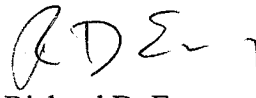
Dependent Claims 39 and 40 depend from, and therefore include the recitations of, independent Claim 1. Dependent Claims 48 and 49 depend from, and therefore include the recitations of, independent Claim 11. Dependent Claims 57 and 58 depend from, and therefore include the recitations of, independent Claim 21. As discussed above with respect to Claims 1, 11, and 21, none of *Rothmuller*, *Lauris*, and *Samra* discloses “adding frames around a representation of [an] item of information based on metadata associated with the item of information” as recited, in one form or another, by each of Claims 1, 11, and 21. Further, Applicants respectfully submit that *Smith* also does not disclose “adding frames around a representation of [an] item of information based on metadata associated with the item of information.” Indeed, the Official Action does not cite *Smith* for this proposition.

Because none of *Rothmuller*, *Lauris*, *Samra*, and *Smith* discloses “adding frames around a representation of [an] item of information based on metadata associated with the item of information,” the combination of these references also fails to disclose this aspect. For at least this reason, Applicants respectfully submit that *Rothmuller*, *Lauris*, *Samra*, and *Smith*, taken in any combination, do not teach or suggest each and every respective limitation of dependent Claims 39, 40, 48, 49, 57, and 58, and that the rejections of these claims have herein been traversed and should be reversed.

CONCLUSION

For the above reasons, it is submitted that the rejections of Claims 1, 2, 6-12, 16-23, 26-41, 43-50, 52-59, and 61 are erroneous and reversal of these rejection is respectfully requested. A Claims Appendix containing a copy of claims involved in the appeal, an Evidence Appendix, and a Related Proceedings Appendix are attached.

Respectfully submitted,



Richard D. Emery
Registration No. 58,894

CUSTOMER NO. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON AUGUST 27, 2008.

Claims Appendix

1. (Previously Presented) An application for accessing media files on a digital device, the application comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising:

first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time; and

second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time, wherein the information identifier enhances identification of the at least one item of information by displaying a frame around the at least one item of information based on metadata associated with the item of information.

2. (Previously Presented) The application of Claim 1, wherein the second instructions for generating an information identifier further includes instructions for including the information identifier in metadata associated with the respective item of information.

3-5. (Canceled)

6. (Original) The application of Claim 1, further including third instructions for generating a calendar view that represents time in calendar format and associates events with respective time periods.

7. (Previously Presented) The application of Claim 6, wherein second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time further includes an information identifier associated with a calendar event that is displayed in the calendar view.

8. (Previously Presented) The application of Claim 1, further comprising third instructions for generating a time bar that divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time.

9. (Previously Presented) The application of Claim 8, wherein second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time further includes an information identifier associated with a period of time that is displayed in the time bar.

10. (Previously Presented) The application of Claim 1, wherein second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time further includes an information identifier associated with a digital media file that is displayed in the media view.

11. (Previously Presented) An apparatus comprising:
a processing unit that executes computer-readable program instructions for accessing media files, the computer-readable program instructions comprising:
first instructions for generating a media view that provides access to digital media files and associates digital media files with a period of time, and
second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time, wherein the information identifier enhances identification of the at least one item of information;
wherein the second instructions for generating an information identifier further includes:

instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information; and

instructions for graphically altering a representation of the respective item of information in a manner visually distinct from the associated text note, the graphically altering including visually annotating items of information by adding frames around a representation of the item of information based on metadata associated with the item of information.

12. (Previously Presented) The apparatus of Claim 11, wherein the second instructions for generating an information identifier further includes instructions for including the information identifier in metadata associated with the respective item of information.

13-15. (Canceled)

16. (Previously Presented) The apparatus of Claim 11, wherein the processing unit executes computer-readable program instructions for accessing media files, the computer-readable program instructions further comprising third instructions for generating a calendar view that represents time in calendar format and associates events with respective time periods.

17. (Previously Presented) The apparatus of Claim 16, wherein the second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time further includes an information identifier associated with a calendar event that is displayed in the calendar view.

18. (Previously Presented) The apparatus of Claim 11, wherein the processing unit executes computer-readable program instructions for accessing media files, the computer-readable program instructions further comprising third instructions for generating a time bar that

divides time into segments having a size that depends upon the digital media files in the media view associated with a respective segment of time.

19. (Previously Presented) The apparatus of Claim 18, wherein second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time further includes an information identifier associated with a period of time that is displayed in the time bar.

20. (Previously Presented) The apparatus of Claim 11, wherein second instructions for generating an information identifier that is associated with at least one item of information including at least one of a digital media file, a calendared event and a period of time further includes an information identifier associated with a digital media file that is displayed in the media view.

21. (Previously Presented) A method for classifying media files in a media diary application, the method comprising:

selecting an information identifier option;

selecting an item of information, including at least one of a media file, calendared event or time period to associate with the selected information identifier option;

creating information identifier data for the selected item of information; and

storing the information identifier data with item of information metadata;

wherein creating information identifier data for the selected item of information further includes:

creating a text message for the selected item of information; and

graphically altering a representation of the selected item of information in a manner visually distinct from the text message, the graphically altering including visually annotating items of information by adding frames around a representation of the item of information based on metadata associated with the item of information.

22. (Previously Presented) The method of Claim 21, further comprising identifying, visually, the item of information as associated with an information identifier.

23. (Previously Presented) The method of Claim 21, wherein selecting an information identifier option further comprises selecting an information identifier option from a group consisting of bookmark identifier and annotation identifier.

24-25. (Canceled)

26. (Previously Presented) The method of Claim 21, wherein creating information identifier data for the selected item of information further includes creating a graphical enhancement for the selected item of information.

27. (Previously Presented) The method of Claim 22, wherein identifying, visually, the item of information as associated with an information identifier further comprises identifying the item of information with a bookmark identifier to indicate that the item of information has an associated text note.

28. (Previously Presented) The method of Claim 22, wherein identifying, visually, the item of information as associated with an information identifier further comprises identifying the item of information with an annotation identifier that indicates a graphical enhancement for a visual representation of the item in a view of the media diary.

29. (Previously Presented) The method of Claim 21, wherein graphically altering a representation of the selected item of information in a manner visually distinct from the text message includes at least one of altering a size, color, or border of the representation of the selected item of information.

30. (Previously Presented) The application of Claim 1, wherein the second instructions for generating an information identifier include instructions for altering a size, color, or border of the information identifier associated with the at least one item of information.

31. (Previously Presented) The apparatus of Claim 11, wherein the instructions for graphically altering a representation of the respective item of information in a manner visually distinct from the associated text note include instructions for altering a size, color, or border of the representation of the item of information.

32. (Previously Presented) The application of Claim 34 wherein the instructions for providing for a text note to be associated with the respective item of information further includes instructions for displaying a window, after the information identifier is associated with the respective item of information, in order to allow a user to input the text note to be associated with the respective item of information.

33. (Previously Presented) The apparatus of Claim 11 wherein the instructions for providing for a text note to be associated with a respective item of information further includes instructions for displaying a window, after the information identifier is associated with the respective item of information, in order to allow a user to input the text note to be associated with the item of information.

34. (Previously Presented) The application of Claim 1, wherein the second instructions for generating an information identifier further includes instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information, the frame around the at least one item of information being associated with the text note.

35. (Previously Presented) The application of Claim 34, wherein the second instructions for generating an information identifier includes instructions for respectively

displaying different types of frames around multiple items of information, the different types of frames being associated with different text notes.

36. (Previously Presented) The application of Claim 35, wherein the second instructions for generating an information identifier includes instructions for selecting one or more frames of the different types of frames from a list of frame types.

37. (Previously Presented) The application of Claim 36, wherein the second instructions for generating an information identifier includes instructions for displaying the list of frame types when an information identifier option key is associated with a selected item of information.

38. (Previously Presented) The application of Claim 37, wherein the second instructions for generating an information identifier includes instructions for displaying a pop-up window for entering a text note to be associated with the selected item of information when the information identifier option key is associated with the selected item of information.

39. (Previously Presented) The application of Claim 38, wherein the second instructions for generating an information identifier includes instructions for adding the text note entered into the pop-up window to a selectable list of text notes.

40. (Previously Presented) The application of Claim 39, wherein the second instructions for generating an information identifier includes instructions for searching the items of information by frame type and/or text note.

41. (Previously Presented) The application of Claim 1, wherein the second instructions for generating an information identifier includes instructions for displaying the framed items of information near the top of the media view.

42. (Canceled)

43. (Previously Presented) The apparatus of Claim 11, wherein the second instructions for generating an information identifier further includes instructions for providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information, the frame around the at least one item of information being associated with the text note.

44. (Previously Presented) The apparatus of Claim 43, wherein the second instructions for generating an information identifier includes instructions for respectively displaying different types of frames around multiple items of information, the different types of frames being associated with different text notes.

45. (Previously Presented) The apparatus of Claim 44, wherein the second instructions for generating an information identifier includes instructions for selecting one or more frames of the different types of frames from a list of frame types.

46. (Previously Presented) The apparatus of Claim 45, wherein the second instructions for generating an information identifier includes instructions for displaying the list of frame types when an information identifier option key is associated with a selected item of information.

47. (Previously Presented) The apparatus of Claim 46, wherein the second instructions for generating an information identifier includes instructions for displaying a pop-up window for entering a text note to be associated with the selected item of information when the information identifier option key is associated with the selected item of information.

48. (Previously Presented) The apparatus of Claim 47, wherein the second instructions for generating an information identifier includes instructions for adding the text note entered into the pop-up window to a selectable list of text notes.

49. (Previously Presented) The apparatus of Claim 48, wherein the second instructions for generating an information identifier includes instructions for searching the items of information by frame type and/or text note.

50. (Previously Presented) The apparatus of Claim 11, wherein the second instructions for generating an information identifier includes instructions for displaying the framed items of information near the top of the media view.

51. (Canceled)

52. (Previously Presented) The method of Claim 21, wherein generating an information identifier further includes providing for a text note to be associated with a respective item of information and to be included in metadata associated with the respective item of information, the frame around the at least one item of information being associated with the text note.

53. (Previously Presented) The method of Claim 52, wherein generating an information identifier includes respectively displaying different types of frames around multiple items of information, the different types of frames being associated with different text notes.

54. (Previously Presented) The method of Claim 53, wherein generating an information identifier includes selecting one or more frames of the different types of frames from a list of frame types.

55. (Previously Presented) The method of Claim 54, wherein generating an information identifier includes displaying the list of frame types when an information identifier option key is associated with a selected item of information.

56. (Previously Presented) The method of Claim 55, wherein generating an information identifier includes displaying a pop-up window for entering a text note to be associated with the selected item of information when the information identifier option key is associated with the selected item of information.

57. (Previously Presented) The method of Claim 56, wherein generating an information identifier includes adding the text note entered into the pop-up window to a selectable list of text notes.

58. (Previously Presented) The method of Claim 57, wherein generating an information identifier includes searching the items of information by frame type and/or text note.

59. (Previously Presented) The method of Claim 21, wherein generating an information identifier includes displaying the framed items of information near the top of the media view.

60. (Canceled)

61. (Previously Presented) The apparatus of Claim 11, further comprising a display in communication with the processing unit that presents a combined view of the media view and the media file identifier.

Evidence Appendix

No additional evidence is provided.

Related Proceedings Appendix

There are three potentially related proceedings, regarding U.S. Patent Application Nos. 10/715,162; 10/792,175; and 10/774,670, none of which has produced a final decision or determination.